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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,347	05/11/2001	Maurizio Montanari	34453/GM/1p	4694
7590 09/09/2004 MODIANO & ASSOCIATI Via Meravigli, 16 MILANO, 20123 ITALY			EXAMINER WOO, STELLA L	
			ART UNIT 2643	PAPER NUMBER

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,347

Applicant(s)

MONTANARI, MAURIZIO

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2,4</u> . | 6) <input type="checkbox"/> Other: ____.  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Charm (US 4,417,714) in view of Lahti (US 3,812,301).

Regarding claims 1-2, Charm discloses a box-like enclosure (mounting enclosure 10; Figures 1 and 2) comprising: a body (speaker enclosure 20), a plurality of engagement elements (eyelet 32) and anchoring cables (cord 60).

Charm differs from claims 1-2 in that it does not specify the body as being molded or the engagement elements as being formed during molding thereof. However, Lahti teaches the well known use of molded plastic in constructing a speaker enclosure with an engagement element (opening 15) being formed during molding (see Figure 2; col. 2, lines 14-31) such that it would have been obvious to an artisan of ordinary skill to use such a well known material for constructing the speaker enclosure and engagement elements, as taught by Lahti, as an alternative to the use wood in the speaker enclosure of Charm.

Regarding claim 6, Charm provides for hooks (28) which engage with eyelets (32)(col. 2, lines 22-29).

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Regarding claim 7, Charm provides for the cable (60) being connected to the ceiling via support plate (12) (col. 2, lines 7-12, 30-42).

Regarding claim 8, see Lahti, Figures 2 and 4.

Regarding claim 9, in Lahti, the speaker enclosure is formed by front cover (12) and rear cover (11) (col. 2, lines 14-22).

Regarding claim 10, in Lahti, the front cover (12) includes a grill (14) for sound radiation (col. 2, lines 17-19).

Regarding claim 11, in Charm, the engagement element is an eyelet (32) of a screw eye, which would be metallic (col. 2, lines 25-29).

Regarding claim 12, in Lahti, the speaker enclosure (10) is formed of plastic (col. 2, lines 14-17).

### ***Allowable Subject Matter***

3. Claims 2-5 are allowed.

Lahti discloses an enclosure for spatially orientable speakers comprising a front cover (12) and a rear cover (11) but differs from independent claim 3 in that it does not teach or fairly suggest recesses arranged at lateral faces or perimetric seats provided at the peripheral edges.

### ***Conclusion***

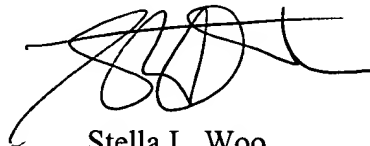
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wiener, Klein et al., Dougherty, and Van Gieson show other speaker enclosures which can be spatially oriented via anchoring cables.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo  
Primary Examiner  
Art Unit 2643